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Selectmen's Minutes 05-18-2009

TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes
 Monday, May 18, 2009

7:00 p.m.

Present: Mr. Greeley, Chair, Mrs. Mahon, Vice Chair, Mr. Hurd, Ms. LaCourt and *Ms. Rowe
 Also present: Mr. Sullivan, Ms. Rice and Mrs. Krepelka
 *Ms. Rowe arrived at 7:15 p.m.

FOR APPROVAL

1. CONSENT AGENDA (one vote required for approval of all items)
 - a. Minutes of Meetings: May 11, 2009
 - b. Contractor/Drainlayer License
 JNJ Sacca, Inc., 92 Spy Pond Parkway, Arlington, MA
 - c. Permit for Memorial Day Parade, 5/25/09
 William F. McCarthy, Director of Veterans' Services
 - d. Keno Monitor
 Mushfiqur Rahman, Owner, Daggs Deli, 152 Massachusetts Avenue
 William Smith, Owner, Juniors Variety, 203 Broadway
 - e. Request: One Day All Alcohol License, 6/6/09 @ Whittemore Robbins House
 Lorena Hernandez, Daniel Leonard
 - f. Request: Banner for Soap Box Derby, 6/6/09
 Joe Connolly, Director of Recreation; Cary Conrad
 Mrs. Mahon moved approval. SO VOTED (4-0)

2. Approval - Bond Certificate: MWRA Local Pipeline Assist. Program-WRA9-01-190:
\$1,200,000 Loan
 Stephen Gilligan, Treasurer
 The Board voted: that the sale of the \$1,200,000 Water Bond of the Town dated May 21, 2009, to the Massachusetts Water Resource Authority (the "Authority), as recommended by the Town Treasurer, is hereby confirmed and the Town Manager and the Town Treasurer are each authorized individually to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the Bond.
 Mr. Hurd moved approval. SO VOTED (4-0)

7:15 p.m.

3. Board of Survey
 Florence Terrace
 (all abutters notified)

Attorney Richard Keshian presented the Board of Survey for Florence Terrace and stated that all abutters were notified of said hearing. Attorney Keshian pointed out that town vehicles, trash collections, emergency vehicles and residents have been using the roadway for many years without any problems even though it is narrow.

Attorney Keshian stated that the easement known as Florence Terrace has been used as a road since the early part of the last century. Ms. Rowe stated that there is no way that Florence Terrace meets 2009 standards. The Board is very concerned about the narrowness of the road and the steep grade.

Steven Remsberg, 24 Linden Street, stated that he would like to be able to wish his neighbors good luck with their eventual plans but cannot as the proposed acceptance of Florence Terrace leaves his wife, and himself, and his neighbors with substantial uncertainty as to what the long term development impacts of acceptance of the way would be. In addition to the narrowness and steepness of the roadway and its implications for width and grade concerns of the Board of Survey, there is one certainty that exists: acceptance of the way means that not only can the Meisters build another home on their double lot, but the owner directly across Florence Terrace from the Meister property appears to have sufficient frontage and lot area to allow for construction of up to three homes, assuming that the existing home was to be torn down.

Therefore, the net impact of acceptance of the way, which could result from development activity on these two parcels alone, would be five homes where only two homes now exist. Mr. Remsberg stated that it doesn't take too much imagination to suppose that the amount of development, along a marginal roadway, could change the character of the neighborhood.

Margaret Bliss, 34 Linden Street, concurs with what Mr. Remsberg presented.

Rudy Lion, 20 Linden Street, concurs with remarks said by Mr. Remsberg and stated that there is ledge that looks down at his house.

Frank Janusz, 4 Florence Terrace, stated that he applauds the approval of Article 25 at the Redevelopment Board. This indicates in no uncertain terms the willingness of the Town's Board of Survey to act with greater care and responsibility in directing the future growth of the Town. Upon enactment of the subdivision control legislation, there will be additional issues to consider, specifically the environmental impact of proposed developments and all the related concerns that stem from this: traffic congestion, drainage, sun and shade impact, and wildlife habitat, to name a few. Mr. Janusz also stated that the Board of Survey should be made aware that if this application is approved, the potential development they will be actually facilitating, in addition to that of the applicant, is for a total of four houses. The abutting property at 48 Linden Street, which contains the balance of the proposed private way through from his property to Linden Street, will be made much more advantageous for development if this proposal is approved. This Linden Street property contains over 18,000 square feet, the minimum needed to subdivide it into three buildable lots under current zoning by laws.

Mr. Robert Garrity, 5 Florence Terrace, stated that he objects to this request because of the overall safety concerns. Six months of construction is a big concern for him along with blasting concerns.

After discussion by the Board of Selectmen, it was recommended to deny without prejudice.

Mrs. Mahon moved to deny without prejudice. SO VOTED (5-0)

4. a. Discussion: Joint Meeting with School Committee and Board of Selectmen

Kevin F. Greeley, Chair

Mr. Greeley stated he would like to have a joint meeting with the School Committee after Town Meeting relative to common goals and issues. Ms. LaCourt suggested that it be limited to common goals. She suggested that we have the meeting on a Wednesday or Thursday so there is no conflict with meetings. Mr. Greeley stated that both Chairs would work on the Agenda.

Mrs. Mahon asked the Town Counsel to clarify the Town's authority over School Department expenditures for legal counsel.

b. Discussion: Joint Meeting with Redevelopment Board, Zoning Board of Appeals and Board of Selectmen

Kevin F. Greeley, Chair

Mr. Greeley stated he would also like to have a joint meeting with the Redevelopment Board and Zoning Board of Appeals after Town Meeting to discuss the many issues we have now with Symmes, Brighams and Mugar properties.

5. CITIZENS OPEN FORUM

Any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established.

Gordon Jamieson, 163 Scituate Street, appeared before the Board regarding the Five Year Financial Plan 2010-2014. His concerns were on issues regarding revenues especially State Aid, Local Receipts, Free Cash and using projected Override Stabilization Fund revenue. He asked the Board to look at revenues and sharpen their pencils.

Peter Inzana, 39 Summit Street, submitted several pictures of utility poles and street signs with photos advertising garage sales, lost cats, in home dog washing, red cross signs, painters, etc. and asked the Board if there is a Bylaw or Zoning Bylaw that would prohibit people from doing this. He feels it is unsightly and feels we should start fining these people to remove their signs.

Mr. Hurd asked the Town Manager to inquire as to what other towns do and what their fine policy is. He agrees that it is unacceptable and we should put an article in the warrant next year to stop this. Mr. Greeley stated that years ago each precinct had a bulletin board located in that particular precinct for this type of use. Mrs. Mahon feels this problem should also be addressed.

Mr. Hurd asked the Town Counsel to look at the Town Bylaws relating to the posting of flyers and report back to the Board.

SO VOTED (5-0)

TRAFFIC RULES & ORDERS/OTHER BUSINESS

6. Approval: FY2010 CDBG Budget

Kevin J. O'Brien, Director of Planning and Community Development

Ms. LaCourt stated that she and Mr. Hurd will meet within the next two weeks to finalize the distribution of CDBG funds for the fiscal year beginning July 1, 2009 and will have report in the Board's packet.

Mrs. Mahon moved to approve subject to final report from subcommittee.

SO VOTED (5-0)

7. Redevelopment Board Discussion of Medical Office Building Site on the Symmes

Property

Kevin J. O'Brien, Director of Planning and Community Development

Mr. Andrew West stated that given the ARB's good faith efforts to attract a medical service provider to the site without success and given the importance that the site be developed with a compatible use and preferably at the same time as the residential development, the Arlington Redevelopment Board thinks that the Town Meeting should accept that it is in the best interest of the Town to widen the range of uses to find a compatible and hopefully economic use for the site, whatever that may be.

Mr. West also reported that JPI is talking about selling the property to Wood Partners.

They are interested in building residential units on the site.

Ms. Rowe moved favorable action on the following:

Now, therefore be it resolved that: That it is the sense of Town Meeting that the site for the planned medical office building on the Symmes site be developed for any of the following uses that are deemed by the Redevelopment Board to be compatible with the adjacent residential development and is economic and/or in the public interest: health and wellness uses, nursing or medical related residence, assisted living, residential, office, restaurant, public use.

SO VOTED (5-0)

Mr. West also reported that the developer, JPI, is still bound to build a medical office building or return the land to the town with a penalty under the Land Disposition Agreement.

The Board thanked Mr. West and the Redevelopment Board for informing the Selectmen on what is happening at Symmes.

8. Discussion: Feast of the East, 6/13/09

John W. Hurd

Mr. Hurd reported that the Feast of the East will be held on Saturday, June 13, 2009, between 12 Noon and 5:00 p.m. with no rain date.

Correspondence Received

Leigh Benowitz Requests for Stop Signs Be Rec'd
146 Ridge Street

Mr. Hurd requested Ms. Benowitz's letter be sent to the Transportation Advisory Board for review and recommendations.
SO VOTED (5-0)

Nelson Bregón FY 2009 HUD Allocations Be Rec'd
US Dept. of HUD

Senator Kenneth J. Donnelly Update on Economic Situation and Be Rec'd
Forth Middlesex District Legislative Issues Being Addressed

Kevin J. O'Brien Symmes for Sale? Be Rec'd
Director of Planning

Mrs. Mahon moved receipt of correspondence. SO VOTED (5-0)

New Business

Mr. Hurd stated that the Mass. Avenue corridor Committee is requesting that they have a Communication Committee. He also recommended that each Selectmen submit two names to be added to the Committee – one business owner and a resident. Both names should be presented at the June 8th meeting. Mr. Hurd and Ms. Rowe will work on an informational type flyer that will be given out. The next meeting will take place at Town Hall with the date to be announced later. Ms. LaCourt asked that all information regarding the next meeting be put on the Website. Mr. Hurd asked that Laura Wiener call a meeting right away to inform the existing committee what the Board is doing. Mr. Sullivan questioned if we were making two committees or one and Mr. Hurd stated the additional ten residents would be included with the original Massachusetts Avenue corridor Committee. Ms. Rowe stated that the Town has to agree on a plan for lane configurations and traffic signal placement before submitting the 25 per cent plans to Mass Highway. Ms. Rowe stated that any resident that would like to join the Mass. Avenue Corridor Committee should call the Selectmen's Office.

Mr. Greeley suggested testing the reconfiguring of traffic lights on Mass. Avenue at the intersections of Teel/Thorndike Streets and at Foster/Linwood Streets in accordance with the Engineer's plan and Mass. Highway standards. The Bates Road and Mass. Avenue intersection would require a new light under the new plan. Said light would need to be installed in order for the Town to receive Mass. Highway funding for the project. Mr. Greeley asked the Town Manager to look into having the Police Dept. deactivate the two existing lights to blinking and have a police officer at Bates Road to direct traffic as an experiment.

Ms. LaCourt stated that on June 17th the Energy Smackdown winners will be announced and at that time she will ask the team to appear before the Selectmen. Ms. LaCourt asked if we were eligible to receive federal funding for energy efficiency and conservation projects. The Manager stated that Arlington will be receiving \$160,000.

Mr. Greeley asked that Rebecca O'Quinn and Matthew Willey, both this year's Ostregren Award winners be present at the next meeting of the Board of Selectmen on June 8th.

Ms. Rowe moved to adjourn at 9:45 p.m. SO VOTED (5-0)

A true record: Attest:

Marie A. Krepelka
Board Administrator

Executive Session

Next meeting of BOS June 8, 2009.